

STATE OF WASHINGTON



OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

BENEFIT PLANS OF AMERICA, INC,)	
EMPLOYEE BENEFIT)	No. D03-65
CONCEPTS, INC.,)	
Unauthorized Entities, and)	ORDER TO
)	CEASE AND
DANIEL A. WHITE, and)	DESIST
PATRICIA M. WHITE.)	
)	

Pursuant to RCW 48.02.080, the Insurance Commissioner of the State of Washington orders Benefit Plans of America, Inc., Employee Benefit Concepts, Inc., their officers, managers, directors, trustees, agents, employees, administrators, and affiliates, and Daniel A. White, also known as Danny A. White, and Patricia M. White ("Respondents") to immediately cease and desist from transacting insurance in the State of Washington in violation of the Washington Insurance Code as follows:

1. Respondents shall immediately Cease and Desist from further unauthorized dental insurance transactions in the State of Washington including the solicitation, negotiation, and sale of dental insurance and the collection of premiums on dental insurance.
2. Respondents shall remain liable to pay any and all pending claims owed under existing contracts.

THIS ORDER IS BASED ON THE FOLLOWING:

1. Since 1995, under the names Employee Benefit Concepts, Inc, and Benefit Plans of America, Inc., Respondents have been selling, operating, and administering dental insurance plans in Washington and in other states.
2. Since at least 1998, the dental coverage sold and administered by Respondents has not been insured or otherwise covered by an admitted life or disability insurer, health care service contractor, or health maintenance agreement.

3. The dental coverage plans sold and administered by Respondents in Washington purport to be self funded and have been sold directly to individuals in this state.
4. Respondents have not advised Washington purchasers, prospective purchasers, and covered persons of the lack of insurance or other coverage.
5. Respondents' dental coverage plans are insurance as defined in RCW 48.01.040.
6. Respondents have not been granted a certificate of authority to act as an insurer or a license to act as an insurance agent in Washington.
7. Pursuant to RCW 48.15.02(2)(b), a person other than a duly licensed surplus line broker who makes a contract of insurance on behalf of an unauthorized insurer in this state is personally liable for the performance of the contract.
8. Respondents' sale and operation of dental coverage plans violate RCW 48.05.030, Certificate of authority required, RCW 48.17.060, License required, RCW 48.15.020, Solicitation by unauthorized insurer prohibited-Personal Liability, and RCW 48.42.050, Notice to purchasers by uninsured production agency-Notice to production agency by administrator of coverage.
9. By Cease and Desist Order No. D-2003-17EB, the State of Alabama Department of Insurance also has determined that Benefit Plans of America, Inc., Employee Benefit Concepts, Inc., and Danny A. White have been transacting insurance in violation of Alabama law through the sale of dental coverage in Alabama and has ordered said Respondents to cease and desist from transacting insurance in violation of Alabama's insurance code.

This Order shall not prevent Respondents from processing and paying claims or otherwise fulfilling contractual commitments to consumers who purchased dental coverage prior to the date of this Order.

Any violation of the terms of this Order by Respondents, their officers, directors, agents, or affiliates, will render the violator(s) subject to the full penalties authorized by RCW 48.02.080 and other applicable Code sections.

Respondents have the right to demand a hearing pursuant to chapters 48.04 and 34.05 RCW. This Order shall remain in effect subject to the further order of the commissioner.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND IS ENTERED at Tumwater, Washington,
this 25th day of April, 2003.

MIKE KREIDLER
Insurance Commissioner

By: _____
Carol Sureau
Deputy Insurance Commissioner
Office of Insurance Commissioner
State of Washington